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August 29, 2012

FILED/ACCEPTED

AUG 29 2012

Federal Communications Commission
Office of the Secretary

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554



ATLANTA

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Re: *In re Maritime Communications/Land Mobile, LLC*, EB Docket No. 11-71;
Answers of Puget Sound Energy, Inc. to Enforcement Bureau's First Set of
Interrogatories

Dear Ms. Dortch:

Enclosed for filing please find the original and six (6) copies of Puget Sound Energy, Inc.'s Answers to the Enforcement Bureau's First Set of Interrogatories in the Commission's pending hearing proceeding in EB Docket No. 11-71.

Please date-stamp the enclosed extra copy of this filing and return it with the courier in the self-addressed envelope provided.

If you should have any questions, please do not hesitate to contact the undersigned at (202) 626-7761.

Respectfully submitted,

Jeffrey L. Sheldon

Counsel for Puget Sound Energy, Inc.

046

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

FILED/ACCEPTED

AUG 29 2012

*Federal Communications Commission
Office of the Secretary*

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
INC.; ENBRIDGE ENERGY COMPANY,)	
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT,)	
LLC; DENTON COUNTY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN CALIFORNIA)	
REGIONAL RAIL AUTHORITY)	

To: Office of the Secretary
Attn: The Honorable Richard L. Sippel
Presiding Judge

**ANSWERS OF PUGET SOUND ENERGY, INC.
TO THE ENFORCEMENT BUREAU'S FIRST SET OF INTERROGATORIES**

Puget Sound Energy, Inc. ("PSE"), for its responses to the Enforcement Bureau's
("Bureau") first set of interrogatories, states as follows:

GENERAL STATEMENT IN RESPONSE TO INTERROGATORIES

In order to provide context and facilitate review of PSE's specific responses to the Bureau's interrogatories, PSE hereby provides the following statement for the record regarding PSE's private mobile radio service ("PMRS") operations and PSE's intended use of Automated Maritime Telecommunications System ("AMTS") spectrum covered by certain authorizations that are the subject of this proceeding.

PSE is a public utility serving approximately 1 million electric customers and nearly 750,000 natural gas customers in a 6,000 square mile service territory in the Puget Sound area of western Washington state. In order to ensure the efficient, safe, and reliable delivery of electric and gas utility services to the public, PSE relies on private communications facilities, including PMRS facilities, for the operation and control of its electric and natural gas distribution infrastructure. PSE also relies on wireless communications facilities for communication with PSE field crews in the performance of routine operational maintenance and repair activities as well as emergency response and restoration activities.

In an effort to improve operating efficiencies and to comply with the FCC's orders requiring the narrowbanding of VHF and UHF channels licensed in the Part 90 PMRS,¹ including channels currently used to support PSE's PMRS operations, PSE decided to implement a new consolidated land mobile radio system for both its electric and natural gas operations. PSE estimates that the Consolidated Radio System, when complete, will include more than 60

¹ / See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, RM-9332, 25 FCC Rcd 8861 (2010); see also 47 C.F.R. §§ 90.203(j), 90.209(b).

distinct radio sites averaging 3 to 4 channels per site, with 75 console positions and approximately 2,000 mobiles, consisting of about 900 portable units and 1,100 vehicular units. PSE estimates that the total project cost for the Consolidated Radio System will be in excess of \$36 million, of which approximately two-thirds has already been spent. Further information about PSE's multi-year effort to plan for and implement its Consolidated Radio System was filed with the FCC in connection with PSE's "Request for Extension of Narrowbanding Deadline and for Extended Implementation Authority," filed April 6, 2012, in WT Docket No. 99-87.²

PSE's Consolidated Radio System will largely operate on spectrum allocated for AMTS. PSE has requested the Commission's consent to the assignment of certain AMTS authorizations from Maritime Communications/Land Mobile, LLC (as defined in the Bureau's First Set of Interrogatories) (hereinafter "Maritime") to PSE so that the AMTS spectrum covered by these authorizations may be incorporated into PSE's Consolidated Radio System, which, as described above, will support PSE's electric and natural gas utility operations. PSE is planning to complete a major portion of the Consolidated Radio System by the end of 2012, and to have the system fully operational by the summer of 2013.

Having provided the foregoing general response, PSE hereby provides its specific responses to the Bureau's interrogatories below.

GENERAL OBJECTIONS

PSE herein endeavors to respond to the Bureau's Interrogatories as fully and completely as possible and to the best of its information and belief. For the sole purpose of preserving its rights in this proceeding, PSE states that its responses are subject to, qualified by, and limited by

² PSE's waiver request was granted by Order, 27 FCC Rcd 7010 (WTB 2012).

the following General Objections which apply to each specific interrogatory as if incorporated and set out in full in response to each.

1. PSE generally objects to each interrogatory to the extent it requires PSE to provide information not within its possession, custody, control, or present knowledge.

2. PSE generally objects to the interrogatories to the extent that they are overly broad, unduly burdensome, and seek discovery of information that is not relevant to any claim raised by the Bureau.

3. PSE generally objects to the Bureau's interrogatories to the extent that they seek information or production of documents protected by the attorney-client privilege, the work product doctrine, the party communication privilege, or any other legally recognized privilege, immunity, or doctrine.

4. PSE generally objects to the Bureau's interrogatories to the extent that they seek information or documents protected from disclosure by a third party confidentiality agreement, statute, regulation, administrative order, or case law.

5. PSE generally objects to the Bureau's interrogatories insofar as they seek confidential and/or proprietary information. To the extent not otherwise objectionable or containing trade secrets, PSE will respond or produce documents or other materials which contain confidential and/or proprietary information consistent with the Protective Order governing use of such documents and information as approved by the Administrative Law Judge.

SPECIFIC RESPONSES TO INTERROGATORIES

PSE submits these responses without prejudice to PSE's right to object to further discovery and reserves the right to supplement any response herein at any time.

1. Identify, by call sign and location, each Site-based Authorization that you lease or have leased from Maritime.

ANSWER: Subject to and without waiving the above general objections, PSE responds as follows:

PSE entered a Spectrum Manager Lease Agreement with Maritime on May 20, 2010. Notification of the lease was filed with the FCC on June 28, 2010, and the Notification was assigned File No. 0004299952. The Spectrum Manager Lease authorizes PSE to use spectrum licensed to Maritime under Call Sign KAE889 at Location 4 (Rainier Hill), Location 20 (Mount Constitution), Location 30 (Gold Mountain), Location 34 (Capital Peak), and Location 48 (Tiger Mountain). PSE is in the process of constructing the new Consolidated Radio System but has not yet activated any of its own radio facilities under the Spectrum Manager Lease Agreement. PSE is not leasing, using, or proposing to use any equipment or other facilities owned or controlled by Maritime.

As described above, PSE is developing a wide-area private mobile radio network that PSE will use to support internal communications among its employees. PSE's network will utilize AMTS spectrum that is being leased from Maritime and that PSE has proposed to acquire from Maritime through partial assignment of the license for KAE889, as well AMTS spectrum that PSE acquired from two other licensees, Environmental LLC and Skybridge Spectrum Foundation, through partitioning and disaggregation in FCC File Nos. 0004258631 and 0004258642, respectively. (See also PSE's Call Signs WQGF313 and WQJW654, respectively, representing the AMTS spectrum PSE acquired from Environmental LLC and Skybridge Spectrum Foundation). PSE's current design for the new private mobile radio ("PMR") network calls for approximately 57 fixed base station transmitter sites operating at relatively low power (generally less than 20 watts ERP) and deployed throughout PSE's combined electric and gas

service territory, encompassing approximately 6,000 square miles. These base stations will provide PMR service to approximately 2,000 vehicular and portable radio units used by PSE's employees and contractors for critical communications related to the construction, operation and maintenance of PSE's electric and gas utility operations. PSE will not offer radio service to the public with these facilities.

2. Describe the coverage area provided by any facility that was constructed at each location for each call sign you identified in response to Interrogatory No. 1, above.

ANSWER: Subject to and without waiving the above general objections, PSE responds as follows:

Maritime provided a map to PSE depicting Maritime's coverage from the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime. This map was included as Exhibit A to the Spectrum Manager Lease Agreement. PSE has no further direct knowledge or information of Maritime's coverage from those locations identified in response to Interrogatory No. 1, above.

The PMR stations being designed and constructed by PSE and that will use AMTS spectrum leased from Maritime and already acquired from Environmental LLC and Skybridge Spectrum Foundation will generally provide coverage to PSE's electric and gas operating territories, a map of which may be viewed at PSE's website at http://pse.com/aboutpse/PseNewsroom/MediaKit/1213_service_area_map.pdf.

3. State whether there is currently a facility constructed at each location for each call sign you identified in response to Interrogatory No. 1, above.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE has no direct knowledge of whether there is currently a facility constructed at each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime. As described in detail in PSE's response to Interrogatory No. 13, below, PSE personnel observed Maritime facilities at each of these locations during site visits conducted between August 24, 2010, and August 26, 2010.

4. State whether a facility is currently operating (i.e., on-the-air, transmitting a signal) at each location you identified in your response to Interrogatory No. 1, above. If not, explain why not.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

As described above, PSE has no direct knowledge of whether a facility is currently operating (i.e., on-the-air transmitting a signal) at each the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime. As described in detail in PSE's response to Interrogatory No. 13, below, PSE personnel observed Maritime facilities operating at each of these locations during site visits conducted between August 24, 2010, and August 26, 2010.

5. For each location you identified in your response to Interrogatory No. 1, above, state the date on which construction of a facility at that location was completed.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE has no direct knowledge of the date when construction of facilities was completed at each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime.

6. For each location you identified in your response to Interrogatory No. 1, above, state the date on which a facility at that location was placed in operation.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE has no direct knowledge of the date on which facilities were placed in operation at each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime.

7. State whether a facility was operating (*i.e.*, on-the-air, transmitting a signal) at each location you identified in response to Interrogatory No. 1, above, at the time you leased it from Maritime. If not, explain why not.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

As stated above, PSE has no direct knowledge of whether any facilities were operating (*i.e.*, on-the-air, transmitting a signal) at each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime as of the date PSE entered the Spectrum Manager Lease with Maritime (*i.e.*, May 20, 2010). As described in detail in PSE's response to Interrogatory No. 13, below, after PSE entered the Spectrum Manager Lease with Maritime, PSE personnel observed Maritime facilities operating at each of these locations during site visits conducted between August 24, 2010, and August 26, 2010.

8. State whether a facility was constructed at each location you identified in your response to Interrogatory No. 1, above, at the time you leased it from Maritime. If not, explain why not.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

As stated above, PSE has no direct knowledge of whether any facilities were constructed at each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime as of the date PSE entered the Spectrum Manager Lease with Maritime (*i.e.*, May 20, 2010). As described in detail in PSE's response to Interrogatory No. 13, below, after PSE entered the Spectrum Manager Lease with Maritime, PSE personnel observed Maritime facilities at each of these locations during site visits conducted between August 24, 2010, and August 26, 2010.

9. State whether operations at each facility constructed at each location you identified in your response to Interrogatory No. 1, above, have ever ceased. If so, explain why and describe how long any such facility at any such location was not or has not been operating.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE has no direct knowledge of whether or when operation of any facilities may have ceased at any of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime.

10. With respect to each Site-based Authorization you identified in response to Interrogatory No. 1, above, identify each location at which a facility was not constructed in accordance with the requirements of the relevant License, including geographic coordinates, antenna heights, and other technical parameters included on the License.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE personnel made site visits to each of the five (5) locations on Call Sign KAE889 for which PSE has a Spectrum Manager Lease from Maritime between August 24, 2010, and August 26, 2010. As described in detail in PSE's response to Interrogatory No. 13, below, PSE observed that Maritime had facilities at these locations and observed tests conducted by Maritime personnel to verify that Maritime's transmitters were operating on authorized frequencies and power levels. Except as stated herein, PSE personnel did not observe or verify whether Maritime's facilities at these locations were or were not constructed in accordance with the requirements of the relevant License, including geographic coordinates, antenna heights, or other technical requirements included on the License.

11. With respect to any location you identified in response to Interrogatory No. 10, above, describe how the facility differs from the requirements of the relevant License, including geographic coordinates, antenna heights, and other technical parameters included on the License.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

No response. PSE did not identify any locations in response to Interrogatory No. 10.

12. Describe each Communication between you (or any Representatives of yours) and Maritime referring or relating to Maritime's Site-based Authorizations, including, but not limited to, the date any such Communication(s) occurred, the names and affiliation of each individual who participated in or received any such Communication(s), and the subject matter of such Communication.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and requests information that is not relevant to any claim raised by the Bureau. Subject to and without waiving this objection, PSE responds as follows:

Since about October 2009, representatives of PSE have had telephone and email Communications with Maritime generally relating to Maritime's Site-based Authorizations. Initial communications between PSE and Maritime were for the purpose of negotiating the purchase and lease of AMTS spectrum that is licensed to Maritime under the Site-based Authorizations in the geographic areas where PSE needs coverage from its new private land mobile radio system. Other Communications between PSE and Maritime related to the preparation and filing of applications for assignment of Maritime's Site-based Authorizations to PSE and for notification to the FCC of the Spectrum Manager Lease Agreement. More recent Communications have related to the pending FCC enforcement hearing and Maritime's bankruptcy proceeding, both of which relate to the Site-Based Authorizations.

PSE believes that the only representatives of PSE that had such Communications with Maritime are the following:

Steve Secrist (PSE)

Margaret Hopkins (PSE)

Charlie Seese (PSE)

Jiri Sykora (PSE)

Jim Lofgren (PSE)

Doug Smith (PSE)

Rich Peterson (PSE)

Charlie Morton (Consultant to PSE)

Kevin Babich (Consultant to PSE)

Jeffrey Sheldon (Outside Counsel to PSE)

PSE believes that the only representatives from Maritime with whom PSE has communicated are the following:

John Reardon (Maritime)

Tim Smith (Maritime)

Curt Brown (Outside Counsel to Maritime)

Bob Keller (Outside Counsel to Maritime)

Craig Geno (Outside Counsel to Maritime)

13. Describe each meeting which both you (or any Representative of yours) and Maritime attended referring or relating to Maritime's Site-based Authorizations, including, but not limited to, the date any such meeting(s) took place, the names and affiliation of each individual who attended the meeting, and the subject matter discussed.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

Except for the site visits described below, PSE does not recall any in-person meetings between representatives of PSE and representatives of Maritime referring or relating to Maritime's Site-based Authorizations.

PSE personnel visited each of the five (5) locations identified in response to Interrogatory No. 1 between August 24, 2010, and August 26, 2010. The specific PSE personnel who attended these site visits were Jim Lofgren, Doug Smith, and Rich Peterson, all of whom were and are Communications Technicians with PSE. The PSE personnel were escorted into the sites by Tim Smith, Vice President of Maritime.

During these visits, PSE learned where Maritime's equipment was installed within each of the five (5) locations, and PSE personnel observed Maritime's transmitters operating at each of the five (5) locations. PSE personnel, in conjunction with Tim Smith, performed tests confirming the transmitting frequencies and output power of Maritime's transmitters. PSE personnel and Tim Smith also conducted Voltage Standing Wave Ratio ("VSWR") testing of the antenna lines at each of the five (5) locations. PSE is not aware of any documentation as to the results of the tests that were performed during these visits. PSE personnel confirmed that Maritime's facilities at each of the five (5) locations were capable of transmitting and recall that the transmitters at all of these locations were transmitting station identification information during these site visits.

14. In the event you are unable to respond to any Interrogatory above, please explain why you are unable to respond.

ANSWER: Subject to and without waiving the above and general objections, PSE responds as follows:

PSE has responded to all of the foregoing Interrogatories.



Jeffrey L. Sheldon
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Counsel for Puget Sound Energy, Inc.

Dated: August 29, 2012

DECLARATION

I, Charlie Seese, state that I am the Manager Telecommunications Services of Puget Sound Energy, Inc.; that I have assisted in the preparation of and have reviewed the response of Puget Sound Energy, Inc. to the Enforcement Bureau's First Set of Interrogatories to Puget Sound Energy, Inc., dated July 25, 2012, in EB Docket No. 11-71 before the Federal Communications Commission; that I am familiar with the factual matters addressed in said response; and that the factual assertions made in said response are, to the best of my knowledge, information, and belief, true and accurate, and are made in good faith.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 29 day of August, 2012.

A handwritten signature in black ink, appearing to read 'Charlie Seese', written over a horizontal line.

Charlie Seese

CERTIFICATE OF SERVICE

I, David D. Rines, do hereby certify that on this 29th day of August, 2012, a single copy (unless otherwise noted) of the foregoing “Answers of Puget Sound Energy. Inc. to the Enforcement Bureau’s First Set of Interrogatories” was delivered to the following by electronic mail and first-class mail unless otherwise indicated:

Marlene H. Dortch (hand delivery) (**ORIGINAL PLUS 6 COPIES**)
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Washington, DC 20554

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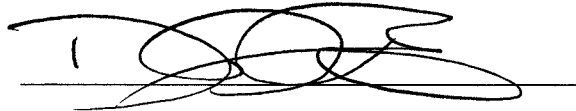
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Counsel for Environmentel, LLC, et al.

SkyTel
c/o ATLIS Wireless LLC
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Attn: J. Stobaugh

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a horizontal line.